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IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-SECOND LEGISLATURE

THIRTIETH LEGISLATIVE DAY
TUESDAY, FEBRUARY 4, 2014

Senate Chamber

President Pro Tempore Hill called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Brackett, Davis, Goedde, and Keough, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Samantha Clay, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 3, 2014, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SJM 105

BY HEALTH AND WELFARE COMMITTEE

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-second Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Supplemental Nutritional Assistance Program (SNAP) is administered by the states on behalf of the United States Department of Agriculture, and the states are subject to the rules promulgated by the United States Department of Agriculture and Congress; and

WHEREAS, the health and welfare of the citizens of Idaho can be affected by their consumption of food items purchased with SNAP benefits; and

WHEREAS, a comprehensive healthy Supplemental Nutritional Assistance Program (SNAP) for Idaho citizens would include, and should emphasize, consumption of healthy Idaho grown and produced products; and

WHEREAS, individuals who participate in healthy eating choices have less chance of developing chronic diseases and therefore, are able to be more productive employees, citizens and more involved in their families' lives; and

WHEREAS, our children's futures and consequently the future of our nation are directly impacted by the food choices that are made for our children; and

WHEREAS, a healthy diet can consist of all food items, provided there is appropriate education and emphasis given to healthier food options to include proteins, grains, dairy and fruits and vegetables; and

WHEREAS, taxpayers have a right to expect that, whenever possible, decisions regarding the use of their tax dollars will be made at the state and local level; and

WHEREAS, if there is more state and local authority over foods authorized to be purchased with SNAP funds, Idaho can potentially improve the health of SNAP recipients, promote Idaho grown agricultural products and reduce the states' expenses for health care costs; and

WHEREAS, citizens may benefit from education to enable them to make healthier and more cost-effective decisions about purchasing food and having local control over foods authorized to be purchased with SNAP funds would give state-based producers an opportunity to educate citizens about the benefits of consuming their products.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature calls upon the President of the United States, the Secretary of Agriculture and Congress to give Idaho the flexibility to have control over foods authorized for purchase with Supplemental Nutritional Assistance Program (SNAP) benefits and to encourage healthy eating and lifestyle choices.

BE IT FURTHER RESOLVED that Idaho should be given the flexibility to determine the best methods of helping our citizens create a comprehensive state-based approach to promote physical activity, nutritional food selections, including a focus on Idaho grown agricultural products, and healthy lifestyle choices.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States, to the Secretary of the United States Department of Agriculture and the Secretary of the United States Department of Health and Human Services.

SJM 105 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Keough was recorded present at this order of business.

February 3, 2014

The JUDICIARY AND RULES Committee reports that Enrolled [S 1210](#) was delivered to the Office of the Governor at 11:29 a.m., February 3, 2014.

LODGE, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 3, 2014

The JUDICIARY AND RULES Committee reports out [S 1246](#), [S 1248](#), and [S 1249](#) with the recommendation that they do pass.

LODGE, Chairman

[S 1246](#), [S 1248](#), and [S 1249](#) were filed for second reading.

February 3, 2014

The JUDICIARY AND RULES Committee reports out [S 1247](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, [S 1247](#) was referred to the Fourteenth Order of Business, General Calendar.

February 3, 2014

The HEALTH AND WELFARE Committee reports out [S 1226](#), [S 1261](#), and [S 1262](#) with the recommendation that they do pass.

HEIDER, Chairman

[S 1226](#), [S 1261](#), and [S 1262](#) were filed for second reading.

February 3, 2014

The EDUCATION Committee reports out [S 1228](#) with the recommendation that it do pass.

GOEDDE, Chairman

[S 1228](#) was filed for second reading.

Senator Goedde was recorded present at this order of business.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 3, 2014

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gary Glenn Michael of Boise, Idaho, was appointed as a member of the Idaho Lottery Commission to serve a term commencing October 2, 2013, and expiring January 1, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

February 3, 2014

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Susan D. Kerrick of Lewiston, Idaho, was appointed as a member of the Idaho Lottery Commission to serve a term commencing January 3, 2014, and expiring January 1, 2019.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 3, 2014

Dear Mr. President:

I transmit herewith [H 354](#), [H 355](#), [H 356](#), and [H 408](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 354](#), [H 355](#), [H 356](#), and [H 408](#) were filed for first reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1274

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO BOATING; REPEALING SECTION 67-7016, IDAHO CODE, RELATING TO GROSSLY NEGLIGENT OPERATION; AMENDING CHAPTER 70, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-7016, IDAHO CODE, TO PROVIDE FOR GROSSLY NEGLIGENT OPERATION, TO PROVIDE FOR VIOLATIONS AND PENALTIES, TO PROVIDE FOR NEGLIGENT OPERATION AND TO PROVIDE FOR VIOLATIONS AND PENALTIES; REPEALING SECTION 67-7017, IDAHO CODE, RELATING TO NEGLIGENT OPERATION; AMENDING SECTION 67-7033, IDAHO CODE, TO REMOVE SPECIFIED CODE REFERENCES FROM CERTAIN VIOLATION AND

PENALTY PROVISIONS; AND AMENDING SECTION 67-7077, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

S 1275
BY EDUCATION COMMITTEE
AN ACT

RELATING TO AGRICULTURAL AND NATURAL RESOURCE EDUCATION PROGRAMS; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1629, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO IDAHO QUALITY PROGRAM STANDARDS INCENTIVE GRANTS, TO ESTABLISH THE QUALITY PROGRAM STANDARDS INCENTIVE GRANT FUND, TO ESTABLISH PROVISIONS RELATING TO A REQUEST FOR FUNDING, TO PROVIDE FOR RULES, TO ESTABLISH PROVISIONS RELATING TO A START-UP GRANT PROGRAM, TO ESTABLISH THE AGRICULTURAL AND NATURAL RESOURCE EDUCATION PROGRAM START-UP GRANT FUND, TO ESTABLISH PROVISIONS RELATING TO A REQUEST FOR FUNDING, TO PROVIDE FOR RULES AND TO PROVIDE FOR THE APPLICATION OF LAW.

S 1276
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO REVISE THE DEFINITION OF "QUALIFIED ORGANIZATION" FOR THE PURPOSE OF ISSUANCE OF FREE BIG GAME PERMITS AND TAGS TO MILITARY VETERANS WITH DISABILITIES TO INCLUDE CERTAIN NONPROFIT ORGANIZATIONS THAT ARE QUALIFIED UNDER SECTION 501(c)(4) OF THE INTERNAL REVENUE CODE AND TO MAKE TECHNICAL CORRECTIONS.

S 1277
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT

RELATING TO THE EXCHANGE OF STATE LAND; AMENDING SECTION 58-138, IDAHO CODE, TO REMOVE CERTAIN PROVISIONS RELATING TO THE EXCHANGE OF STATE LANDS, TO PROVIDE AN EXCEPTION TO EXCHANGE PROVISIONS FOR CERTAIN LANDS, TO PROVIDE FOR THE EXCHANGE OF LANDS KNOWN AS "COTTAGE SITES," TO CLARIFY WHAT THE EXCHANGE OF STATE LANDS MEANS AND TO MAKE TECHNICAL CORRECTIONS.

S 1278
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-407, IDAHO CODE, TO REVISE NONRESIDENT DISABLED AMERICAN VETERAN LICENSE PROVISIONS TO ALLOW CERTAIN PERSONS TO HUNT, PURCHASE TAGS AND FISH PURSUANT TO SPECIFIED PROVISIONS, TO PROVIDE AN EXCEPTION RELATING TO FISHING, TO PROVIDE THAT CERTAIN NONRESIDENTS MAY BE ISSUED LICENSES TO FISH FOR THREE CONSECUTIVE DAYS EACH LICENSE YEAR PURSUANT TO SPECIFIED PROVISIONS, TO PROVIDE AN EXCEPTION RELATING TO FISHING AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 36-416, IDAHO CODE,

TO REVISE FEE PROVISIONS; AND DECLARING AN EMERGENCY.

S 1279
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-318, IDAHO CODE, TO REVISE PROCEDURAL PROVISIONS RELATING TO THE SALE OF PERSONAL OR REAL PROPERTY OF AN IRRIGATION DISTRICT.

S 1280
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-209, IDAHO CODE, TO SPECIFY CONDITIONS FOR SERVICE OF A DIRECTOR, TO REQUIRE NOTICE TO OTHER DIRECTORS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE DETERMINATION OF WHETHER A VACANCY HAS OCCURRED, TO PROVIDE A PROCEDURE UPON DETERMINATION THAT A VACANCY HAS OCCURRED, TO PROVIDE FOR TEMPORARY CONTINUATION OF SERVICE, TO PROVIDE A RESTRICTION ON CONTINUATION OF SERVICE, TO REVISE PROCEDURES RELATING TO THE FILLING OF A VACANCY AND TO PROVIDE THAT A PERSON FILLING A VACANCY SHALL POSSESS ALL RIGHTS AND POWER AND IS SUBJECT TO ALL LIABILITIES, DUTIES AND OBLIGATIONS OF THE OFFICE.

S 1281
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-116, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE PROVISIONS RELATING TO SPECIFIED DUTIES OF THE BOARD OF DIRECTORS, TO REMOVE A PROVISION THAT CERTAIN OFFICERS MUST BE RESIDENTS OF THE DISTRICT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 43-206, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 43-209, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 43-401, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 43-602, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 43-730, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 43-1404, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 43-2203, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS.

[S 1274](#), [S 1275](#), [S 1276](#), [S 1277](#), [S 1278](#), [S 1279](#), [S 1280](#), and [S 1281](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

Senator Davis was recorded present at this order of business.

[H 354](#), [H 355](#), and [H 356](#), by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 408](#), by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Lakey, granted by unanimous consent, [S 1224](#) was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, [H 375](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1238](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Bock, Buckner-Webb, Cameron, Davis, Fulcher, Goedde, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Pearce, Schmidt, Siddoway, Stennett, Thayn, Tippets, Ward-Engelking, Werk, Winder. Total - 32.

NAYS—Rice, Vick. Total - 2.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1238](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1227](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Bock, Buckner-Webb, Cameron, Davis, Fulcher, Goedde, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lodge, Martin, Mortimer, Nonini, Patrick, Pearce, Rice, Siddoway, Stennett, Tippets, Vick, Ward-Engelking, Werk, Winder. Total - 30.

NAYS—McKenzie, Nuxoll, Schmidt, Thayn. Total - 4.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1227](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 374](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bayer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Bock, Buckner-Webb, Cameron, Davis, Fulcher, Goedde, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Pearce, Rice, Schmidt, Siddoway, Stennett, Thayn, Tippets, Vick, Ward-Engelking, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [H 374](#) passed, title was approved, and the bill ordered returned to the House.

Senator Brackett was recorded present at this order of business.

[S 1239](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lacey arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Bock, Brackett, Buckner-Webb, Cameron, Davis, Fulcher, Goedde, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Pearce, Rice, Schmidt, Siddoway, Stennett, Thayn, Tippets, Vick, Ward-Engelking, Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared [S 1239](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:55 a.m. until the hour of 11 a.m., Wednesday, February 5, 2014.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary